

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Milton I. Shadur	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	01 C 9098	DATE	1/17/2002
CASE TITLE	Richard Tevlin vs. Metropolitan Water Reclamation		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

For more information about the study, please contact Dr. John Smith at (555) 123-4567 or via email at john.smith@researchinstitute.org.

DOCKET ENTRY:

(1) Filed motion of [use listing in "Motion" box above.]

(2) Brief in support of motion due _____.

(3) Answer brief to motion due _____. Reply to answer brief due_____.

(4) Ruling/Hearing on _____ set for _____ at _____.

(5) Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.

(6) Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.

(7) Trial[set for/re-set for] on _____ at _____.

(8) [Bench/Jury trial] [Hearing] held/continued to _____ at _____.

(9) This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
 FRCP4(m) General Rule 21 FRCP41(a)(1) FRCP41(a)(2).

(10) [Other docket entry] Enter Memorandum Order. Accordingly Answer ¶ 2 is stricken, but with leave to file an amendment to the Answer on or before January 25, 2002 that conforms to Rule 8(b).

(11) [For further detail see order attached to the original minute order.]

DOCKETED

JAN 18 2002

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RICHARD TEVLIN,)
)
 Plaintiff,)
)
v.) No. 01 C 9098
)
METROPOLITAN WATER RECLAMATION)
DISTRICT OF GREATER CHICAGO,)
)
 Defendant.)

MEMORANDUM ORDER

Metropolitan Water Reclamation District of Greater Chicago ("District") has filed its Answer and Affirmative Defenses ("ADs") to the Title VII employment discrimination Complaint brought against it by its employee Richard Tevlin ("Tevlin"). Because some aspects of that responsive pleading are problematic, this memorandum order is issued sua sponte to require District's attorney to cure one deficiency identified here.

On that score, Answer ¶2 fails to conform to the requirement of Fed. R. Civ. P. ("Rule") 8(b) that every allegation ("averment" is the term used in the Rule) by a plaintiff must be answered, as well as failing to conform to the disclaimer spelled out by Rule 8(b)'s second sentence as essential to give a responding party the benefit of a deemed denial--in the latter respect, see App. ¶1 to State Farm Mut. Auto. Ins. Co. v. Riley, 199 F.R.D. 276, 279 (N.D. Ill. 2001). Accordingly Answer ¶2 is stricken, but with leave to file an amendment to the Answer on or before January 25, 2002 that conforms to Rule 8(b).

As for the ADs, App. ¶5 to State Farm explains that Rule 8(c) contemplates a defendant's admission of all of a complaint's allegations for that purpose, coupled with an explanation as to why the defendant is still not liable to the plaintiff (or perhaps, as in the case of comparative negligence or mitigation of damages, may be liable for less than the plaintiff claims). In this instance District's ADs are at odds with that concept to some extent, but because they help focus on District's particularized position in opposition to Tevlin's claim they will be left intact without further amendment.



Milton I. Shadur
Senior United States District Judge

Date: January 17, 2002